

REMARKS/ARGUMENTS

The Office Action mailed August 10, 2006 has been reviewed and carefully considered. Claims 1-4, 6, 8-28 are pending in this application, with claims 1, 20, and 26 being the only independent claims. Claims 12, 13, and 19 are withdrawn from consideration. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Independent claim 1 is amended to recite the limitations of dependent claims 5 and 7. Independent claims 20 and 26 are similarly amended.

Dependent claims 2, 6, 8, and 9 are amended to be consistent with the changes to independent claim 1.

Rejection of Claims

Claims 1-6, 10, 14, 15-18, and 20-28 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,206,853 (Bonnet).

Claims 7, 8, and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Bonnet in view of U.S. Patent No. 6,186,980 (Brunel).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Bonnet.

Independent claim 1 is amended to recite “said barrel having a radial flange arranged between said forward end and said rear end”, “a first retainer fixedly coupled to said hollow shield body to prevent axial movement of said first retainer with respect to said hollow shield body, said first retainer releasably securing said syringe barrel in said first position, and a second retainer spaced axially from said first retainer, wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position”, and

“an urging member arranged between a portion of said hollow shield body and said flange of said syringe barrel such that an urgency is directed to said radial flange”.

The combined teaching of Bonnet and Brunel fail to disclose “wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as now expressly recited in independent claims 1, 20, and 26.

Bonnet discloses a self-retracting syringe needle comprising a body 1 having an injection needle support means 3 at one end 2 (see col. 3, lines 14-16; and Fig. 1 of Bonnet). The body 1 can slide in a sheath 5 and a spring 6 is arranged between the body 1 and the sheath (col. 3, lines 16-18). At least one flexible lug 7 is carried by the sheath 5 and abuts a first position 18 of the body 1 to hold the body 1 in a first position relative to the sheath 5 (col. 3, lines 36-40). The syringe further includes a circlip 9 fitted around the body 1 in a position between the sheath 5 and the body 1 in the first position (col. 3, lines 56-59). A piston 4 cooperates with lugs 7 at the end travel of the piston 4 so that the position 18 is released from the lugs 7 and the spring urges the body 1 to retract into the sheath until the body is immobilized at a second position by the circlip 9 (col. 4, lines 1-9).

In a further embodiment, Bonnet discloses a body 1 with a sheath 5 as described above. In addition, a sleeve 11 carries lugs 7 which immobilize a flange 36 on the body 1 (col. 6, lines 64-67). In this further embodiment of Bonnet, a circlip 9 is also used to hold the body 1 in the second position.

Since Bonnet teaches that the spring 6 acts on a forward end of the body 1 or flange 36 and since Bonnet teaches that a circlip 9 holds the body at the second position, Bonnet fails to teach or suggest “wherein said radial flange is positioned between said first and second retainers

when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as expressly recited in each of independent claims 1, 20 and 26.

Brunel fails to disclose what Bonnet lacks. Brunel discloses a single use device for injection including a conventional syringe 1 with a protective sheath 7 having front 8 and rear body 9 (see abstract of Brunel). A locking ring 24 locks the syringe (see e.g., col. 7, lines 57-64). As seen in Fig. 1, a spring 42 acts between shoulder 31 of the syringe 1 and the front body 8 of the sheath 7. A rib 27 of the locking ring 24 interacts with the rear body 9 to hold the syringe 1 at a first position. After injection, a thruster 6 of the injection device cooperates with tabs of the locking ring 24 to release ribs 27 (see col. 8, lines 41-45), thereby allowing the spring 42 to urge the syringe 1 to the second position in which ribs 28 of the locking ring 24 are locked between ribs 22 and shoulder 20 (col. 8, lines 51-57). Since the spring 42 acts on flange 31, and separate ribs 27, 28 of the locking ring 24 hold the syringe in the first and second position, Brunel also fails to teach or suggest “wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as recited in independent claims 1, 20, and 26.

In view of the above, independent claims 1, 20, and 26 are allowable over the combined teachings of Bonnet and Brunel.

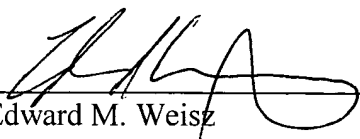
Dependent claims 2-4, 6, 8-19, 21-25, and 27-28, each being dependent on one of independent claims 1, 20, and 26, are allowable for at least the same reasons described above

with reference to independent claims 1, 20, and 26, as well as for the additional reasons contained therein.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By  _____
Edward M. Weisz
Reg. No. 37,257
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: October 10, 2006